

1       1. (Currently Amended): A method for a network device probe to negotiate a  
2 common mode of communication between two nodes, comprising:  
3       a) establishing a first communication path between the network device probe and  
4       a first node;  
5       b) establishing a second communication path between the network device probe  
6       and a second mode; and  
7       c) establishing a third communication path through the network device probe,  
8       the third communication path coupling the first and second communication  
9       paths by establishing a point to point link between the first and second nodes  
10      in order to provide a negotiated common mode of operation between the first  
11      node and the second node, wherein the probe includes a bypass mode in which  
12      data bypasses the probe and a pass through mode in which data is monitored  
13      by the probe.

1       2. (canceled)

1       3. (Currently Amended): The method of claim 1, wherein establishing the first  
2 communication path between the network device probe and the first node comprises  
3 negotiating a mode of operation with the first node.

1       4. (Currently Amended): The method of claim 3, wherein negotiating a mode of  
2 operation with the first node comprises negotiating a speed of a transmission of data over  
3 the first communication path between the network device probe and the first node.

1       5. (Currently Amended): The method of claim 3, wherein negotiating a mode of  
2 operation with the first node comprises negotiating one of half duplex and full duplex  
3 communication over the first communication path between the network device probe and  
4 the first node.

1       6. (Currently Amended): The method of claim 3, wherein establishing a second  
2 communication path between the network device probe and the second node comprises  
3 negotiating a mode of operation with the second node.

1           7. (Currently Amended): The method claim of 6, wherein establishing a third  
2 communication path through the ~~network device probe~~, the third communication path  
3 coupling the first and second communication paths to provide a common mode of  
4 operation between the first node and the second node, comprises:

5           comparing the mode of operation with the first node and the mode of operation  
6 with the second node; and

7           selecting one of multiple communication paths through the ~~network devices probe~~  
8 as the third communication path that provides a common mode of operation between the  
9 first node and the second node.

1           8. (Original): The method of claim 7, wherein the common mode of operation  
2 between the first node and the second node is the best mode of operation available  
3 between the first node and the second node.

1           9. (Currently Amended): A ~~network device probe~~ that negotiates a common  
2 mode of communication between two nodes, comprising:

3           means for establishing a first communication path between the ~~network devices~~  
4 probe and a first node;

5           means for establishing a second communication path between the ~~network device~~  
6 probe and a second node; and

7           means for establishing a third communication path through the ~~network device~~  
8 probe, the third communication path coupling the first and second communication paths  
9 ~~to provide a common mode of operation between the first node and the second node by~~  
10 ~~establishing a point to point link between the first and second nodes in order to provide a~~  
11 ~~negotiated common mode of operation between the first node and the second node,~~  
12 ~~wherein the probe includes a bypass mode in which data bypasses the probe and a pass~~  
13 ~~through mode in which data is monitored by the probe.~~

1           10. (Canceled)

11. (Currently Amended): An article of manufacture comprising a machine  
2 readable medium having a plurality of machine readable instructions stored thereon,  
3 wherein the instructions, when executed by a processor, cause the processor to:  
4 a) establish a first communication path between the ~~network device~~ a probe and a  
5 first node;  
6 b) establish a second communication path between the ~~network device~~ probe and  
7 a second node; and  
8 c) establish a third communication path through the ~~network device~~ probe, the  
9 third communication path coupling the first and second communication paths to provide a  
10 common mode of operation between the first node and the second node by establishing a  
11 point to point link between the first and second nodes in order to provide a negotiated  
12 common mode of operation between the first node and the second node, wherein the  
13 probe includes a bypass mode in which data bypasses the probe and a pass through mode  
14 in which data is monitored by the probe.

12. (Canceled)

13. (Currently Amended): The article ~~or~~ of manufacture of claim 11, wherein the  
2 instructions that cause a processor when executed to establish the first communication  
3 path between the ~~network device~~ probe and the fist node cause the processor when  
4 executed to negotiate a mode of operation with the first node.

14. (Currently Amended): The article of manufacture of claim 13, wherein the  
2 instructions that cause a processor when executed to negotiate a mode of operation with  
3 the first node cause the processor when executed to negotiate a speed of a transmission of  
4 data over the first communication path between the ~~network device~~ probe and the first  
5 node.

15. (Currently Amended): The article of manufacture of claim 13, wherein the  
2 instructions that cause the processor when executed to negotiate a mode of operation with  
3 the first node cause the processor when executed to negotiate one of half duplex and full

4 duplex communication over the first communication path between the ~~network device~~  
5 probe and the first node.

1 16. (Currently Amended): The article of manufacture of claim 13 wherein the  
2 instructions that cause a processor when executed to establish a second communication  
3 path between the ~~network device~~ probe and the second node cause the processor when  
4 executed to negotiate a mode of operation with the second node.

1 17. (Currently Amended): The article of manufacture of claim 16, wherein the  
2 instructions that cause a processor when executed to establish a third communication path  
3 through the ~~network device~~ probe, the third communication path coupling the first and  
4 second communications paths to provide a common mode of operation between the first  
5 node and the second node, cause the processor when executed to:

6 compare the mode of operation with the first node and the mode of operation with  
7 the second node; and

8 select one of multiple communication paths through the ~~network device~~ probe as  
9 the third communication path that provides a common mode of operation between the  
10 first node and the second node.

1 18. (Original): The article of manufacture of claim 17, wherein the common  
2 mode of operation between the first node and the second node is the best mode of  
3 operation available between the first node and the second node.